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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENERGY, UTILITIES & TECHNOLOGY LD 810 - An Act Regarding the Approval of Transmission Lines

March 11, 2025

Senator Lawrence, Representative Sachs, and Members of the Energy, Utilities & Technology Committee,

I am Representative Chris Kessler, and I represent District 121, which includes part of South Portland and part of Cape Elizabeth. I am here today to testify in support of LD 810, which seeks to address critical questions about transmission development in Maine.

Current law, passed by popular referendum, requires that a high-impact transmission line receive legislative approval in addition to obtaining a Certificate of Public Convenience and Necessity (CPCN) from the Public Utilities Commission (PUC). This referendum was intended to give the public a greater voice in the development of major transmission lines, but as demonstrated in the 131st Legislature, it has created significant unintended consequences.

During the 131st Legislature, the Legislature itself sought to procure and construct transmission infrastructure, highlighting a major flaw in the referendum language — it does not specify *when* in the process legislative approval should occur. This ambiguity has created an untenable situation for developers, regulators, and lawmakers alike.

Additionally, the 131st Legislature took meaningful steps to strengthen public notice, participation requirements, and landowner compensation with the passage of LD 1963 and LD 2087. These laws now ensure that the PUC and the Maine Department of Environmental Protection (DEP) conduct robust public engagement, hold public hearings, and rigorously evaluate the merits of any proposed transmission line before issuing approvals.



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However, what became clear from that experience is that requiring legislative approval at the very end of this multi-year, multi-agency, multi-million-dollar process is effectively a dealbreaker for any developer. In hindsight, I did not fully appreciate the chilling effect this policy would have when I originally voted in favor of the referendum.

This creates a lose-lose situation for the Legislature. On one hand, if the Legislature denies approval after years of regulatory review, it undermines the financial viability of transmission development in Maine — driving up costs, destabilizing the grid, and guaranteeing that we will not meet our climate goals. On the other hand, if the Legislature approves a project before the regulatory process concludes, it undermines public trust and politicizes what should be a technical, fact-based decision.

The referendum, as currently written, ultimately benefits the existing power structure — which is resistant to change — at the direct expense of Maine ratepayers, landowners, and our renewable energy future.

As a matter of sound public policy, we must maintain transparent and robust public participation, with fair compensation for landowners. But this raises a fundamental question: Is a partisan political body, with limited subject matter expertise, the right authority to determine the siting of a transmission line? I would argue that it is not. Regulatory agencies, staffed with professionals trained to evaluate the economic, environmental, and public interest implications of such projects, are far better equipped to make those decisions.

LD 810 is necessary to clarify legislative intent. If the Legislature signals that a transmission line is needed, that action itself should be viewed as legislative approval. The subsequent review of the project's exact route, environmental impact, and public interest should remain where it belongs — with the agencies specifically tasked with making those determinations.

Thank you for your consideration, and I look forward to a productive discussion on this bill.